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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,179	07/19/2001	Michael Kahn	MATP-610US	9083
23122	7590	02/23/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,179

Applicant(s)

KAHN, MICHAEL

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claim 1 have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Cannon et al (US 6,510,209).

[claim 1]

In regard to Claim 1, Cannon et al discloses a video recorder programming device comprising:

- Means for communicating between a user and said video recording programming device through a telephone connection (Column 2 Lines 5-15 describes that a user can communicate and thereby remotely interact with video recording system through a telephone system as further seen in Figure 2);
- Means for storing voice messages transmitted by said user through said means for communicating (Figure 2 shows telephone answering device 105 incorporated into a telephone answering machine 202 wherein the telephone answering machine is able to store voice messages transmitted by the user through the communicating means/telephone as further described in Column 3 Lines 22-30 and 50-67);

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- Means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data (Column 4 Lines 18-35 describe the transmitting of audio data to the user through the voice prompts which prompts user for recording parameter data);
- Means for receiving and storing recording parameter data transmitted by said user as DTMF tones corresponding to keys on a telephone keypad through said means for communicating (Column 3 Lines 25-30 describe the means for receiving and storing the recording parameter in the telephone answering device 105 as seen in Figure 2 wherein data being transmitted is through DTMF signals or voice command signals); and
- Means for starting a recording process by a video recorder responsive to the stored parameters (Figure 4 shows a flowchart of the recording process that occurs when a user calls into the system to record a show as further described in Column 5 Lines 43-53).

[claims 2, 9, 11, & 14]

In regard to Claims 2, 9, 11, and 14 Cannon et al discloses a video recorder programming device and method comprising:

- Means for communicating between a user and said video recorder programming device through a telephone connection (Figure 1 shows the telephone answering device which allows a user to communicate to the video recorder programming device as further described in Column 2 Lines 53-65);
- Means for storing voice messages transmitted by said user through said means for communicating (Column 3 Lines 30-32 describes the answering machine 204 is used in a conventional manner of storing voice messages);

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- Means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data (Column 4 Lines 18-27 describes the system which prompts the user to set recording parameters);
- Means for receiving and storing said recording parameter data transmitted by said user as DTMF tones corresponding to keys on a telephone keypad through said means for communicating (Column 4 Lines 28-35 describes the use of DTMF tones that correspond to the telephone keypad which is used for communicating);
- means for starting the recording process by a video recorder responsive to the stored parameters including an infrared signal transmitter that transmits a command to the video recorder causing the video recorder to enter a programming mode, that transmits the parameters to the video recorder as the program and that transmits a command to the video recorder to leave the programming mode (Column 4 Lines 48-65 describes the starting of the recording process wherein an infrared signaling unit is used to transmit parameters).

[claim 3]

In regard to Claim 3, Cannon et al discloses a device wherein the parameters include a channel number and a start time (Column 1 Lines 33-53 describes the parameters used for programming to include a channel number and a start time).

[claims 4, 10, & 13]

In regard to Claims 4, 10, and 13, Cannon et al discloses a device and method further comprises a mass storage device and the means for the starting the recording process causes

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the decoded television signal to be stored in the mass storage device as the video recorder (Column 2 Lines 45 describes the video cassette recorder wherein the recorded program is recorded to and thereby meeting the limitation of a mass storage device).

[claim 5]

In regard to Claim 5, Cannon et al discloses a device and method for storing audio messages comprises a telephone answering machines (Figure 2 shows a telephone answering machine as well as described in Column 3 Lines 23-30).

[claim 7]

In regard to Claim 7, Cannon et al discloses a device and method of programming a video recorder device comprising:

- Enabling telephone communications between a user and a set top box when the user is at a location remote to the set top box (Column 2 Lines 5-21 describes that the user uses a telephone to remotely interact with the set top box);
- Transmitting audio data to the user to prompt the user to transmit audio programming data including start time data and one of stop time data and duration data (Column 5 Lines 43-54 describes the transmitting of audio data and the prompting for the user for additional data);
- Receiving the audio programming data into the set top box through said telephone communications and converting the audio programming data into command data for the video recording device (Figure 4 shows receiving and converting of audio programming data into command data wherein is further described in Column 5 Lines 13-67); and,
- Transmitting the command data to the video recording device (Column 5 Lines 60-67 describes the transmitting of the command to the video recording device).

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[claims 6 & 8]

In regard to Claims 6 and 8, Cannon et al discloses a device and method wherein the set top box further includes telephone answering machine functionality and the method further comprises the step of receiving predetermined audio data to switch the set top box from the answering machine functionality prior to receiving the audio programming data (Column 5 Lines 30-42 describes the telephone answering machine functionality wherein receiving the data and switching from answering machine function to receiving programming data).

[claim 12]

In regard to Claim 12, Cannon et al discloses a device and method of programming a video recorder comprising:

- Detecting an incoming telephone call by a set top box containing an automated answering machine (Column 3 Lines 40-50 describes the detection of an incoming call);
- Enabling telephone communication between user and set top box (Column 3 Lines 50-67 describes the enabling of the telephone communication to the set top box); and
- Detecting, receiving, and transmitting a programming signal transmitted by said user through said telephonic communication to said automated answering machine (Column 3 Lines 50-67 and Column 5 Lines 20+ describes the detecting, receiving, and transmitting of a program signal from an automated answering machine and thereby programming the video cassette recorder).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

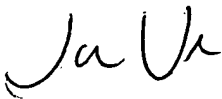
- Scott (US 4,625,080);
- Levine (US 5,748,716);
- Yuen (US 6,430,359); and
- Imaeda (US 5,969,749).

Contact Information


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent
02/07/2005



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